

EXHIBIT 1

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE MAXINE M. CHESNEY, JUDGE

MORTAR AND PESTLE CORP. d/b/a)
OLEA RESTAURANT,)

Plaintiff,)

VS.)

No. C 20-3461 MMC

ATAIN SPECIALTY INSURANCE)
COMPANY a/k/a ATAIN INSURANCE)
COMPANY,)

Defendant.)

San Francisco, California
Friday, September 11, 2020

TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS

APPEARANCES: (via Zoom Video Conferencing)

For Plaintiff:

LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Suite 500
Philadelphia, Pennsylvania 19106-3697

BY: DANIEL LEVIN, ESQ.

For Defendant:

MOKRI VANIS & JONES, LLP
4100 Newport Place, Suite 840
Newport Beach, California 92660

BY: GAILANN Y. STARGARDTER, ESQ.

Reported By: Katherine Powell Sullivan, CSR #5812, CRR, RMR
Official Reporter - U.S. District Court

1 given anybody in the past. So that will help you, hopefully,
2 in that regard.

3 But no matter what I do ultimately, I do think the
4 plaintiff should have a shot at making their very best record.
5 If I end up staying with my initial read of this, at least
6 they'll have had a chance to make their best showing.

7 I will say this, and you can keep it in mind for how
8 you're going to plead an amended complaint. We are all
9 operating under the same potential of virus-contaminated
10 surfaces. Every time one of us goes out and touches anything
11 and comes back and puts our hands on a surface, there may be
12 virus.

13 There may be someone in my chambers walking around who's
14 asymptomatic. We're all living where we're living. Our houses
15 are not uninhabitable. Our places of work are not
16 uninhabitable by reason of physical damage. We are all there.

17 And so it's true in stay at home, at least in California,
18 strangers weren't supposed to be able to come into your house.
19 But we're not all suing saying we've got damage to our house.
20 So I'm not sure where the distinction lies, but I'm leaving it
21 to you to try to make that.

22 And I guess that's all for today. I thank you, both, --

23 **THE CLERK:** Your Honor --

24 **THE COURT:** -- for the work you've put into this.

25 Yes.

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Thursday, September 17, 2020

Katherine Sullivan

Katherine Powell Sullivan, CSR #5812, RMR, CRR
U.S. Court Reporter